IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.77921-M of 2006
Date of Decision:- 17.03.2007

Rameshwar Singh ....Petitioner(s)

through
Mr.Vikram Chaudhari, Advocate

vs.

C.B.I., ACB, Chandigarh ....Respondent(s)

through
Mr.Rajan Gupta, Special P.P.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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1) Whether Reporters of the local papers may be allowed to see the judgment?
2) To be referred to the Reporters or not?
3) Whether the judgment should be reported in the Digest?

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SURYA KANT, J.

The prayer in this petition under Section 438 Cr.P.C., is to grant pre-arrest bail to the petitioner in case F.I.R.No.RCCHG 2004A 0012/7.5.2004 registered under Sections 420,468,471,193 and 120-B IPC at Police Station, CBI ACB, Chandigarh.

The above-stated F.I.R. has been registered by the Central Bureau of Investigation in compliance to the directions issued by a Division Bench of this Court on 19.4.2004.

As per the allegations, one SPS Chauhan, Advocate along with his associates has been running a racket for securing false MACT claims

As far as the petitioner is concerned, he is the owner of a Motor Cycle bearing No.HR-07-3965. The said Motor Cycle is shown to have been involved in two fake and false MACT claims. The petitioner, however, contends that he had purchased the said Motor Cycle on 4.8.1999

and after that only one accident on 14.1.2000 has allegedly taken place. The other accident in respect of the same Motor Cycle is reported to have taken place on 1.4.1999 i.e. prior to its purchase by the petitioner on 4.8.1999.

The above-stated plea taken by the petitioner, however, is being hotly contested by Mr.Gupta, learned counsel appearing for the C.B.I.

As per the allegations and the stand taken by the C.B.I. also, it does not appear that the petitioner is involved in a series of MACT false claims.

On 29.1.2007, the petitioner was directed to appear before the Investigating Officer and join the investigation. However, his arrest was stayed.

It is not disputed by Mr.Rajan Gupta, learned Special Public Prosecutor for the C.B.I. that pursuant to the aforesaid order, the petitioner has joined the investigation.

It appears that the ongoing investigation, so far as it pertains to the petitioner, can continue without any hindrance even if the petitioner is not subjected to custodial interrogation.

Consequently, the interim order dated January 29, 2007 is made absolute, however, subject to the following additional conditions:-

(i) the Investigating Officer shall be at liberty to summon the petitioner to join the investigation as and when required and the petitioner shall fully cooperate with the same;

(ii) in the event of presentation of any challan, the petitioner shall surrender before the trial Court and seek his regular bail

and until his bail application is decided, the petitioner shall continue on interim bail. Further, if the regular bail is declined to the petitioner, the interim bail granted to him shall continue for one week thereafter so as to enable the petitioner to seek regular bail from the higher Court(s).

Disposed of.

March 17, 2007 **(SURYA KANT)**
poonam **JUDGE**